Comments of Larry Langford (LarryLangford@aol.com) on RM-11338 and the subsequent Notice of Proposed Rule Making

I am the licensee of 2 AM stations, WGTO and WDOW. Both operate at 1kw days with severely reduced night power. I have no FM interests at this time.
I have a long career in the broadcasting field in both ownership and engineering.
I currently serve as Director of Communications for the Chicago Fire Department

I have reviewed the NPRM and offer the following comments to address the specific issues raised by the Commission in the Notice.

Expansion of Purpose and Permissible Service

The adoption of the new rules regarding AM use of FM translators should be administered based upon criteria that will allow the neediest stations to implement the fastest and those stations in a "less critical" situation to be added later. In this way scarce spectrum can be used for new translators or the reprogramming of translators already in service in a way that would assure the most efficient use of the improvement regulations. As has been mentioned in earlier comments on the issue, 50 Kw major market radio stations should not be allowed to use FM translators. It has been proven that regulations put forth by the Commission in the past have been misused where loopholes not always anticipated by the Commission are later exploited to benefit a specific group or groups in a way not envisioned when the rules were written.

Such can be said of the case of the great translator invasion on 2003 which still has the Commission backlogged on applications which were computer generated by two religious based organizations that resulted in accusations of translator trafficking. To prevent such abuses in the future the Commission must be very clear in the way these new regulations are written and imposed. Extreme care must be taken to make sure the rules are fair and will serve the public interest in the broadest possible manner.

It is imperative that a pecking order be established for implementation of the change over to allow AM station on translators. But a multi-year plan is not necessary since this would serve to delay implementation that is seriously needed right away.
Rather than have year long windows for certain classes of stations it would serve better to accept applications all at once and then assign certain weight to specific classes of stations where there is a conflict in geography or spectrum availability. This could be done on a window basis. I would suggest 60 days. At the close of the window the Commission would be able to have all the information needed to deal with conflicts and geographic concerns.
Using a phased in system where certain classes of stations are dealt with first would not be fair, since stations that operate in extremely rural areas with little commercial service either AM or FM might have to wait years for “their turn” when in fact their circumstance has them in a position where no conflict would have arisen anyway. To delay such stations a chance to use a translator while other classes are granted does not serve the public interest.

A preference order MUST be established. I suggest stations be granted translator authority as follows with the highest preference first. Such preference level would be used in areas with applications from several stations operating in the same market are requesting authority.

1. Class D Day only
2. Class D PSSA power
3. Class D 250 watts night and higher
4. Class C

In areas where only a singe stand alone AM station exists or applies such preference would not be required.

Despite some comments that FM spectrum is extremely limited, there are areas in the West and some on the Midwest outside of urban areas where translator allocations could still be available but have not been applied for due to lack of interest or need by FM operators but “areas to locate” fall well inside the 2mv contour of AM stations currently in need of relief. If an application window is opened it needs to be with AM preference in mind. Current auction rules will preclude all but major group owners from getting a CP. The Commission must keep in mind the proposed relief is for a segment of the broadcast family that has suffered the most and has in most cases the least assets to be able to invest in this improvement. If obtaining a translator is prohibitive then the spirit of the relief is violated. Once again the stand alones will lose and the majors will in effect get new FM outlets to add to the collection.

These areas most in need of relief are mostly in places served only by AM stations licensed to small towns not near metro areas.

To ensure that available translator allocations are not grabbed up for speculation or held “hostage” there must be strict criteria on number of licenses per AM station and qualifications of AM operators. This is most important.

At the minimum the Commission *must* exclude those AM stations whose owners have at least one FM station that covers substantially the same market area or where the 60dbu contour overlaps the 2mv/m contour of the AM station that is co owned.
This is to make sure the new regulations benefit the broadcasters who really need relief instead of just providing another outlet for group owners who already cover a market with other stations. The Commission recently allowed a wavier for WDXY AM in South Carolina to use a translator because the AM station suffered severe interference at night. The request for a wavier cited the need for WDXY to provide emergency information to an Air Force base that was in the day coverage but not the night signal. While this seems honorable, the wavier request failed to mention that the company owning this station has an 8 Kw FM licensed to the same city! So this wavier simply gave the parent company another FM signal to add to many stations they have in the state. The Commission must take care that stand alone stations really do get the first crack at available translator frequencies and that nothing happens that will later be seen as a mistake that lets group owners grab translators in markets where true stand alone stations were left out and then had to purchase translators from larger companies who used ownership of an AM to allow them to speculate.

The NPRM suggests a limit of ten translators per AM station. This is excessive. If the limit is the 2mv/m contour, or 25 miles which ever is less, how many translators would one station need? While I can see some expansion in very sparsely populated areas in the west, most areas in the east are such that no AM could really use more than 5. As a practical matter financial constraints would probably limit that to 3 or less. Some thought should be given to making the limit float depending on number of applications and possible conflict. It would be unfair to allow a request for station “A” to get ten translators only to have them build only four and sell the reaming CP’s to Station “B.”

Again, we do not want to set up a speculative situation in which a large AM gets several and sells them off to smaller AM stations at a pretty good profit.

Program Origination Issue

Day time only AM stations should be allowed to use FM translators at night. Since the restriction on the AM stations operating at night is based upon the natural rules of AM propagation and nothing more, there is really no reason to keep a translator silent during the night hours. To do so would be a waste of spectrum. Those stations that were permitted to have at least some night power were given that grant based again on the rules of propagation and required protection of full time stations. This should have no bearing on the operation of a translator and hence no restriction on use should be implemented based on the “broadcast day” of the originating AM station.

Concerning LPFM stations rebroadcasting AM stations, I see no reason not to allow LPFM stations to rebroadcast LOCAL AM stations. This should be restricted to LPFM stations that share the same city of license as the AM and have a contour relationship where the AM station 5 mv Day contour completely covers the 60 dbu contour of the LPFM. The LPFM would only be allowed to charge a flat rate for use of its air and could not operate on a commission or per spot rate. Nor could the

LPFM run any commercials of its own even though it is rebroadcasting the commercial content of the AM station.
LPFM stations rebroadcasting fulltime AM stations could do so for whatever period of time the LPFM/AM agreement calls for.

Technical Issues

The calculation of 2mv/m or 25 miles seems fair and reasonable to me. While I can see that a larger area might be desirable in the far western part of the country where population is sparse, for the most part 2mv/m and 25 miles would be adequate elsewhere. In the real world most stations that have power of 2.5 Kw or less do not enjoy much audience in areas where the received signal is below 2 millivolts due to the very noise that the translator issue is designed to deal with.
Since one aspect of the NAB petition was not to extend the actual reach of the AM station by using a translator, it seems only right that the range of the translator be limited to the realistic Day range of the AM station. Using the .5 millivolt contour is unrealistic for stations that operate at less than 2.5 Kw where co channel and first adjacent channel activity make the .5 contour too noisy for anyone but the die hard AM listener to deal with.

As far as the use of M3, I believe that M3 should be the standard for calculating the AM station 2 millivolt contour. If the station believes that actual ground conductivity is *substantially better* than M3 depicts, then the station should have the option of showing that proof when making application. However no station should have to provide ground conductivity measurements before the grant of a translator license. To require non directional AM stations to supply conductivity measurements would be burdensome. Such stations for the most part never took such readings in the original license process and would have to hire an engineering firm at substantial cost when it really is not necessary. *Allowing* a station to supply conductivity information that exceeds M3 is only right since the spirit of the NAB proposal was to have the translator mimic the real coverage of the station. In most typical situations

M3 is close enough to what would be a summer /winter average for purposes of this regulation.

The rules should, allow some wiggle room as far as the comparison of the 2 millivolt contour of the AM station and the 60 dbu contour of the translator. This would be the case if the AM station operates a directional and the translator antenna is mounted on one of the AM towers. If the AM station has substantial nulls, a large area of the main lobe would go unserved if the 60 dbu contour were not allowed to cross the 2 millivolt contour at any point. Or the station would have to find a more central location for the translator which could amount to a significant expense for lease or rent on a non station tower or building. The Commission should allow for such directional situations by requiring that the 60 dbu contour does not *substantially exceed the 2 millivolt contour* when looked at in the whole, of the coverage. This could be further defined as required.

In summary, let me applaud the Commission for understanding that times are changing, and objections to the use of translators by AM stations are thankfully being refuted by the Commissions actions.

I would caution again though to make sure the relief goes where it is needed first. As the rules are now proposed, 50 Kw WGN in Chicago could apply for an get a translator even though they put out 40 millivolts at 25 miles. But they might qualify since they have no FM in the same service area. Commissioners, beware of loopholes please!

Larry Langford